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Appl. Serial No. 09/923,975
Amendment Dated January 10, 2007
Reply to Office Action Mailed October 10, 2006

REMARKS

In the Office Action dated October 10, 2006, claims 2-6, 10-13, 15-27, 30-33, 35-42, 46, and 47 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,223,181 (Chaudhuri) in view of U.S. Patent No. 6,298,349 (Toyoshima).¹

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to the claimed subject matter for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of Chaudhuri and Toyoshima; and (2) the references when combined do not teach or suggest all elements of the claimed subject matter. See M.P.E.P. § 2143 (8th ed., Rev. 5), at 2100-126.

Chaudhuri was cited as the primary reference, with the Office Action asserting that Chaudhuri discloses the presenting, receiving, and emulating acts recited in claim 3. 10/10/2006 Office Action at 2-3. The Office Action cited passages in column 6 of Chaudhuri that relate to index selection by an index selection tool. The Office Action asserted that the teachings in column 6 of Chaudhuri relating to selection of indexes corresponds to receiving user selection of user-selectable elements in a user interface pertaining to environment information of a target database system, and receiving the environment information extracted based on the user selection from the target database system. *Id.* at 2-3. The Office Action then cited a passage in column 8 of Chaudhuri as teaching the emulating act of claim 3. The column 8 passage of Chaudhuri refers to use of a hypothetical configuration analysis (HCA) engine 240 to analyze an existing configuration and one or more hypothetical configurations of a database system 200. Significantly, Chaudhuri notes that the configuration includes a set of indices and the size of database 210. Chaudhuri, 8:16-20.

As conceded by the Office Action, neither the set of indices nor the size of the database 210 (which make up the configuration of the database system described in Chaudhuri) constitutes the environment information of claim 3, which environment information includes *at least a number of nodes of the target database system*. See 10/10/2006 Office Action at 3. To remedy this defect of Chaudhuri, the Office Action relied upon Toyoshima.

¹ It is noted that the Office Action has incorrectly indicated that claim 2 is pending in the present case. Claim 2 has been cancelled.

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The alleged combination of Chaudhuri and Toyoshima is improper, since no motivation or suggestion existed to combine the teachings of these references. As noted above, the HCA engine 240 of Chaudhuri is used to define a hypothetical configuration that includes a set of indices and a size of the database. Chaudhuri, 8:16-21. Elsewhere, Chaudhuri states that its purported invention provides a method for analyzing a database system "that executes queries over an existing *configuration defined by an existing database and existing set of indices.*" Chaudhuri, 2:13-17. There is absolutely nothing in Chaudhuri to even remotely provide any suggestion, implicit or explicit, that the configuration information can include a number of nodes of the target database system. In fact, Chaudhuri teaches that its database server 220, storage engine 222, query optimizer 224, index selection tool 230, HCA engine 240, and what-if index analysis UI 250 are implemented in "a suitable operating environment, such as the computing environment of Fig. 1 for example." Chaudhuri, 8:1-7. Fig. 1 shows a personal computer; this personal computer taught by Chaudhuri does not provide any suggestion of a target database system having a number of nodes. Thus, it is clear that Chaudhuri provides no suggestion that its configuration information would include a number of nodes of the target database system.

Moreover, the Office Action erred in asserting that Toyoshima provides a suggestion that environment information used in the context of the claimed invention includes a number of nodes of the target database system. Specifically, the Office Action cited column 3, lines 60-67, of Toyoshima to support the obviousness rejection. The cited passage of Toyoshima refers to a "second system resource display apparatus" of Toyoshima that is responsive to selection of a user's name to retrieve resource information from a resource database using an employee number or other keyword, with the second system resource display apparatus displaying a list of the selected user's computers. The Office Action asserted that "[t]his suggests the number of selectable computers are the number of nodes to be extract [sic] from the network." 10/10/2006 Office Action at 3.

It is respectfully submitted that the list of selected user's computers that are retrieved from a resource database by using the employee number or other keyword, as disclosed in Toyoshima, clearly does not suggest the environment information recited in claim 3. Note that the term "environment information" should not be read in isolation, but rather should be read in the context of claim 3. Claim 3 recites receiving user selection pertaining to *environment*

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information (that includes at least a number of nodes of the target database system) of a target database system to extract from the target database system; receiving, by the test system, the *environment information* extracted based on the user selection from the target database system; and emulating the target database system in the test system using the received *environment information*. The list of a selected user's computers as taught by Toyoshima clearly is not the environment information recited in claim 3.

There is no suggestion that Toyoshima's list of the selected user's computers would be provided in the form of environment information that can then be used to emulate a target database system. In fact, Toyoshima relates to use of a resource display apparatus to display information relating to hardware and/or software resources of computers in association with an organization or a computer's user. Toyoshima, 2:65-3:5. Based on an employee number or other keyword, the resource display apparatus is able to retrieve and display a list of the selected user's computers. Toyoshima, 3:60-67. The retrieval and listing of computers associated with a particular employee, as taught by Toyoshima, is completely unrelated to the teachings of Chaudhuri.

In view of the foregoing, it is respectfully submitted that no motivation or suggestion existed to combine the teachings of Chaudhuri and Toyoshima to achieve the invention of claim 3.

Moreover, the hypothetical combination of Chaudhuri and Toyoshima fails to teach or suggest all elements of the claim. As noted above, neither Chaudhuri nor Toyoshima teaches or suggests receiving user selection pertaining to environment information of a target database system to extract from the target database system (where the environment information includes at least a number of nodes of the target database system), and emulating the target database system using the received environment information (which includes at least a number of nodes of the target database system). There is no suggestion in Chaudhuri that its configuration information can include a number of nodes of a target database system. The displayed list of selected user's computers referred to in Toyoshima has nothing to do with environment information for use in emulating a target database system. Therefore, even if Chaudhuri and Toyoshima can be properly combined (which they cannot as discussed above), the hypothetical combination of the references does not teach or suggest all elements of claim 3.

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A further defect in the obviousness rejection is the incorrect assertion by the Office Action that Chaudhuri teaches a test system that is separate from a target database system. The Office Action, on page 3, identified element 210 as being the test system, and element 220 as being the database system. Element 210 (which is depicted in Fig. 2 of Chaudhuri) is the database, whereas element 220 depicted in Fig. 2 of Chaudhuri is the database server. The database 210 does not present a user interface in a display, receive environment information extracted based on user selection, or emulate the target database system, as recited in claim 3. Therefore, the identification of database 210 as being the test system is clearly erroneous.

The Office Action also cited column 5, line 44, of Chaudhuri as disclosing the test system. This cited passage refers to a personal computer 120. Note, however, that the personal computer 120 is depicted in Fig. 1 of Chaudhuri, and further, that Chaudhuri teaches that the database server 220, storage engine 222, query optimizer 224, index selection tool 230, HCA engine 240, and what-if index analysis UI 250 are also incorporated into this personal computer 120. The personal computer 120 includes the database server 220; and therefore, it is impossible for the database server 220 to be a separate system from the personal computer 120.

Thus, it is clear, contrary to the assertion made in the Office Action, that Chaudhuri fails to teach or suggest receiving user selection in a user interface of a test system pertaining to environment information of a target database system (*separate* from the test system) to extract from the target database system, receiving, by the test system, the environment information extracted based on the user selection from the target database system (which is *separate* from the test system), and emulating the target database system in the *separate* test system using the received environment information. In Chaudhuri, all the components depicted in Fig. 2 are implemented in a single personal computer, not on separate systems, as recited in claim 3. This is a further basis that the hypothetical combination of Chaudhuri and Toyoshima does not teach or suggest all elements of claim 3.

In view of the foregoing, a *prima facie* case of obviousness has clearly not been established with respect to claim 3 over Chaudhuri and Toyoshima.

Independent claims 42 and 46 are allowable for similar reasons as claim 3.

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Independent claim 34 is allowable over the asserted references for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of Chaudhuri and Toyoshima to achieve the claimed subject matter, as discussed above; and (2) the hypothetical combination of the references does not teach or suggest environment information that includes at least one of a number of nodes of the target database system, a number of processors per node, disk access speed, and network access speed, used in the context of claim 34.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-0225 (9749).

Respectfully submitted,

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